

LEGISLATURE MEETING

September 28, 2015

Chairman Callard called the meeting to order at 9:00 AM. . After the pledge to the flag and invocation led by Veteran David Kusmierczak, the Clerk called the roll. All Legislators were present.

The Clerk presented the following communications:

Making Strides against Breast Cancer Orchard Walk will take place at Watt Farms on October 24th. A request has been made to place a 3x10 banner on the courthouse lawn from October 10th through October 24th to advertise this event. The Board approved this request. Our third annual Family Game Night in Orleans County has been scheduled and plans are underway. This event is sponsored by the Orleans County Youth Bureau and Orleans County Legislature. The event will take place on Thursday, October 15th from 5:30-7:30 pm at the Trolley Building, Cornell Cooperative Extension 4-H Fairgrounds, 12690 Route 31, Albion. This event will feature dinner, games to play, displays to visit and a FREE board game to every family. The booths will provide information on a wide array of services for youth and families that are available in Orleans County. Cost, including dinner, is \$5 for a family of four or \$3 for individuals. We will also have prizes, promotions and activities throughout the night. To register or for more information you can contact the Legislative Office at 589-7053 or at www.orleansny.com.

Legislator Johnson recognized the Orleans/Genesee Community Action by reading a proclamation in celebration of their 50th Anniversary. Ed Fancher, Executive Director and Annette Finch, Director of Community Services were present to accept the proclamation. Mr. Fancher thanked the Board for their continuous involvement by them for the whole fifty years, including their predecessors the Board of Supervisors who started this agency. He stated that a Supervisor, and now a Legislator, has always served on their board and thanked Legislator Johnson for her current service on their board.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through August, 2015. Treasurer Heard indicated that it looks better this year than where we were at this time last year.

Chairman Callard announced that David Kusmierczak attended Assemblyman Hawley's 8th Annual Patriot Trip and had the honor of being a part of the Honor Guard at the Tomb of the Unknown Soldier. Mr. Kusmierczak stated that there were four attendees that were picked to lay the wreath on the Tomb of the Unknown Soldier. This year the wreath was dedicated to the Vietnam Veterans. He indicated it was a great honor. Chairman Callard thanked Mr. Kusmierczak for his continuous presence at our meetings in providing our invocation.

Chairman Callard called for open discussion as it related to the resolutions and advised to keep it to two individual resolutions. Paul Lauricella, Yates, questioned Resolution No. 321 concerning setting the salary for the Chief Administrative Officer. Chairman Callard

indicated it is part of his annual review and the additional duties for the e-waste program were also considered. Chairman Callard again reviewed the e-waste program. Mr. Lauricella said he was concerned that he already gets a salary for the county to run smoothly now why more for this. Chairman Callard reviewed the salary terms and conditions as requested.

Mr. Lauricella inquired as to the scope of the purchase of the Live Scan upgrade in Resolution No. 316. Mr. Nesbitt explained that it is an upgrade of the existing Live Scan System which has become outdated. This is the fingerprinting system at the jail. This system will be of the quality that we can generate revenue from in performing background checks and obtaining fingerprint services at the Jail, therefore there will be no need to locate these services elsewhere for pistol permits, job applications, etc.. Mr. Lauricella researched this system and asked if they will be doing facial scans or retinal identifications with this system. Mr. Nesbitt indicated that there are no plans for that.

Chairman Callard reviewed the privilege of the open comment portion of the Legislature meeting in response to Mr. Lauricella comment that his speech was being limited. Chairman Callard also stated that many counties do not offer a time for the public to interact with the Board.

Legislator Eick moved to add one resolution to the agenda; second by Legislator Johnson. Motion carried. The following resolutions were presented for adoption:

RESOLUTION NO. 299-915

APPROVING AGREEMENT WITH THE HIGHWAY DEPARTMENT AND LABELLA ASSOCIATES, P.C.

RESOLVED, that this Legislature does hereby approve an agreement with the Highway Department and Labella Associates, P.C., 300 State St, Ste 201, Rochester, NY 14614 to perform Professional Services for the design and construction phase of the Carton Road Bridge over Sandy Creek in the Town of Kendall; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$120,000 and to be paid out of the Capital Project Infrastructure for Bridge Replacements Account #H-5120.250.

Moved, Eick; second, Miller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 300-915

APPROVING AGREEMENT WITH THE HIGHWAY DEPARTMENT AND LABELLA ASSOCIATES, P.C.

RESOLVED, that this Legislature does hereby approve an agreement with the Highway Department and Labella Associates, P.C., 300 State St, Ste 201, Rochester, NY 14614 to perform Professional Services for the design and construction phase of the Platten Road Culverts over Oak Orchard Creek Tributaries in the Town of Yates; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$40,000 and to be paid out of the Capital Project Infrastructure for Culvert Improvements Account #H-5120.251.

Moved, Eick; second, Miller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 301-915

APPROVING CELLULAR PHONE USE AGREEMENT FOR THE HIGHWAY DEPARTMENT

RESOLVED, that this Legislature approves the Cellular Phone Use Agreement for the Highway Department for data charges due to a need for online traffic sign software for the National Sign Retroreflectivity Policy required by the Federal Government that was approved by the Orleans County Legislature by passage of Resolution #70-213.

Moved, Eick; second, Miller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 302-915

AUTHORIZING PURCHASE OF CAMERA UPGRADES AND SETTING UP OF NEW MONIES IN THE FUEL FARM BUDGET

RESOLVED, that this Legislature authorizes the Orleans County Fuel Farm to purchase camera upgrades located at 225 West Academy St, Albion, NY 14411 from SI Technologies, Inc. d/b/a Security Integrations, 81 Benbro Dr, Ste 100, Cheektowaga, NY 14225 at a cost of \$5,147.68, to be paid from the Account of DM5140.250 – Fuel Farm; Project #Y3905, NYS Contract #PT63302, Award #20191; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up new monies in the Fuel Farm Budget as follows:

<u>Revenue</u>		
	Fuel Farm Capital Reserve Account	\$ 5,147.68
<u>Appropriations</u>		
DM5140.250	Other Equipment	\$ 5,147.68

Moved, Eick; second, Miller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 303-915

AUTHORIZING TRANSFER OF FUNDS WITHIN THE HIGHWAY/FUEL FARM BUDGET

RESOLVED, that the Treasurer is authorized to transfer monies within the Highway/Fuel Farm Budget to cover the cost of personal services and benefits as follows:

FROM:

DM5140.449	Fuel Oil	\$8,082
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TO:

DM5140.100	Personal Services	\$7,600
DM5140.820	Medicare	\$92
DM5140.830	Social Security	\$390

Moved, Eick; second, Miller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 304-915

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT INFRASTRUCTURE PROJECTS ACCOUNT

RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.250, Capital Project – Infrastructure Project – Bridge Replacement Program:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
5,946.50	Labella Associates	Prof. Services:6/20/15-7/24/15 for Waterport Carlton Bridge-Inv#64852
5,169.50	Labella Associates	Prof. Services: 6/20/15-7/24/15 for Oak Orchard Bridge-Inv#64850
80,475.60	CP Ward	Construction for Waterport Carlton Bridge – Payment #1
13,716.76	Labella Associates	Prof. Services: 7/25/15-8/21/15 for Waterport Carlton Bridge-Inv #65300

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.251, Capital Project – Infrastructure Project – Culvert Improvements:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
1,326.50	Labella Associates	Prof. Services:6/20/15-7/24/15 for Knowlesville Culverts- Inv #64854
1,512.00	Labella Associates	Prof. Services:7/25/15-8/21/15 for Knowlesville Culvert –Inv #65299

and be it

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.252, Capital Project – Infrastructure Project – Pole Barn: Construction:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
248.54	Barre Stone Products	Crush and Run- Inv #4356
191,349	Secor Building Solutions	Construction of Pole Barns

and be it

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.253, Capital Project – Infrastructure Project – County Building Roof Replacement:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
3,712.73	Houseman Refrigeration	PSB Roofing Project – Inv #0003783
462,185.20	Garland/DBS Inc.	PSB Roofing Project Draw 1 (Inv #2511027820) and 2 (Inv #2511027846)
479,007.00	Garland/DBS Inc.	COB Roofing Project Draw 1 (Inv #2511027822) and 2 (Inv #2511027843)

Moved, Eick; second, Miller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 305-915

APPROVING GLOW WORKFORCE DEVELOPMENT BOARD CERTIFICATION AND MEMBERSHIP ROSTER

RESOLVED, that this Legislature does hereby approve the Board Certification and Membership Roster for the GLOW (Genesee-Livingston-Orleans-Wyoming) Workforce Development Board, for the purpose of organizing and implementing activities pursuant to the Workforce Innovation and Opportunity Act (herein referred to as WIOA) and as proposed by the Governor of the State of New York for the purpose of administering WIOA in Genesee, Livingston, Orleans, and Wyoming Counties. County Cost \$0.

FURTHER RESOLVED, that the Chairman is hereby authorized to execute the Agreement, this also approves the Board Certification and approves the following Membership Roster of the GLOW Workforce Development Board:

Name	Represents:
Norb Fuest	Appletree HR & Safety Consultant
Michael Sawyer	Western New York Energy (Private Sector)
Mary Williams	Medina Memorial Health Care System (Private Sector)
Tony Manucso	Mancuso Real Estate (Private Sector)
Merle "Skip" Draper	Employment & Training Resources
Paul Fricano	Oxbo International Corp (Private Sector)
Geoffrey Buell	Lapp Insulator (Private Sector)
Janet Olivieri	FTT Manufacturing (Private Sector)
Tim Anderson	Don Allen Insurance Agency (Private Sector)
Tammy Underhill	Coastal Staffing
Gene Tonucci	Allen Bailey Tag and Label (Private Sector)
Karl Drasgow	Drasgow, Inc (Private Sector)
Anthony DiPerna	Brick Layers & Allied Contractors – Labor Org./Apprenticeship
Dennis Burke	Liberty Pump (Private Sector)

At Large seats:

Name	Represents:
Joseph Hamm	NYS Department of Labor
Christine Luly	ACCESS-VR
Kellie Kennedy	ARC of Livingston/Wyoming
RZ Lampley	Organized Labor
David Rumsey	Department of Social Services (Wyoming Co.)
Reid Smalley	Genesee Community College (Education)
Nathan Varland	Community Action of Orleans/Genesee
John Cima	Genesee Valley BOCES
Jim Pierce	Wyoming County Business Center

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 306-915

AUTHORIZING FILLING VACANCY IN THE JOB DEVELOPMENT AGENCY

WHEREAS, an employee has resigned from the position of Employee and Training Counselor effective October 1, 2015; now be it

RESOLVED, that this Legislature authorizes the filling of a vacant Employee and Training Counselor position (6210.07) in the Job Development Agency, at grade 15 of the CSEA Salary Schedule, effective October 2, 2015.

Moved, Miller; second, Eick.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 307-915

AUTHORIZING ABOLISHING, CREATING AND FILLING POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Department of Social Services continuously reviews staffing to provide more efficient operations of county business; and

WHEREAS, one employee has recently retired, while others have vacated positions as the result of possible promotions; now be it

RESOLVED, that this Legislature does hereby abolish a full-time Principal Social Welfare Examiner (6010.0103) position in the Department of Social Services effective September 29, 2015; and be it

FURTHER RESOLVED, that this Legislature does hereby create a full time Supervisory Social Welfare Examiner position in the Department of Social Services at Grade 22 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes filling this newly created full time position effective September 29, 2015.

Moved, Miller; second, Eick.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 308-915

AUTHORIZING FILLING POSITION IN THE MENTAL HEALTH DEPARTMENT

RESOLVED, that this Legislature authorizes the filling of a part-time Receptionist position (4310.40) in the Mental Health Department at Grade 7 of the CSEA Salary Schedule, effective September 29, 2015.

Moved Allport; second, DeFilipps.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 309-915

AUTHORIZING SETTING UP NEW MONEY IN THE MENTAL HEALTH DEPARTMENT BUDGET

RESOLVED, that the County Treasurer is authorized to set up new monies in the Mental Health Department budget to set up revenue and expenses for Federal Medicaid Salary Sharing monies received as follows:

Revenue:

A4490	Mental Health Federal	\$11,827.00
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Appropriation:

A4310.220	Office Equipment	\$2,752.09
A4310.411	Office Supplies	\$9,074.91

Moved, Allport; second, DeFilipps.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 310-915

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES

RESOLVED, that this Legislature approves agreements between the Health Department and the following agencies:

ACM Medical Lab at 160 Elmgrove Park, Rochester, NY 14624. Contract to provide for performing ALT and AST lab work for our TB Program. The cost will be \$5.00 per test. Contract period is July 1, 2015 through December 31, 2018. County cost 100%.

Genesee ARC, 64 Walnut St, Batavia, NY 14020 to provide busing for eligible children who reside in Orleans and Genesee Counties. Group 1 is approx 100 children at \$40.25 per child within Genesee /Orleans at a base price of \$4,025. Group 2 is approx 3 Genesee County Children at \$181.76 at a base price of \$545.28 and 10 Orleans County Children at \$222.43 at a base price of \$2,224.30 per round trip, with \$5.29 for each additional child – total base price is \$6,799.87 as per fee schedule. Reimbursement is 59.5% from State education. Cost to county is 40.5%.

Stericycle, 4010 Commercial Ave, Northbrook, IL 60062 to provide for the collection, transportation, and treatment of regulated medical waste. Stericycle will not increase the monthly service fee by more than 6% annually for the duration of this contract which is effective September 1, 2015 through August 31, 2020. County cost is \$76 monthly (this represents a 27% decrease from 2014).

Moved, Allport; second, DeFilipps.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 311-915

AUTHORIZING PURCHASE FROM HEALTH DEPARTMENT BUDGET

RESOLVED, that this Legislature does hereby authorize the Orleans County Health Department to purchase from Dival Safety, 1721 Niagara St, Buffalo, NY 14207 (6) Portable Air Purifying Respirator (PAPR) kits with accessories in the amount of \$8,236.02 from Public Health account A4010.250 - Other Equipment as approved in the Health Research Inc, contract for readiness to the Ebola Virus. County cost \$0.

Moved, Allport; second, DeFilipps.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 312-915

AUTHORIZING OUT OF STATE TRAVEL FOR HEALTH DEPARTMENT EMPLOYEE

RESOLVED, that this Legislature does hereby authorize out of state travel by Doris Delano to attend the 2015 East Coast Migrant Forum in Memphis, Tennessee from October 14 to October 17, 2015. All costs are budgeted and will be covered by the Migrant Health Services Grant. County Cost \$0.

Moved, Allport; second, DeFilipps.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 313-915

APPROVING ADVERTISING FOR ORLEANS COUNTY TOURISM

RESOLVED, that this Legislature approves advertising in the 2016 CONY Directory through Campground Owners of NY, Inc., 1 Grove St, Ste 200, Pittsford, NY 14534 for the purpose of placing a 3 page add in this directory for Orleans County Campgrounds in the amount of \$5,200 to be paid from Tourism Account A6410.468 – I Love New York. 50% Reimbursement from I Love NY Matching Funds.

Moved, Allport; second, Eick.
Adopted. 6 ayes; 0 nays; 0 absent.
Legislator DeFilipps recused himself from deliberations and vote.

RESOLUTION NO. 314-915

ESTABLISHING A POLICY SETTING MINIMUM STANDARDS FOR COUNTY PARTICIPATION IN LITIGATION INVOLVING CHALLENGES TO REAL PROPERTY ASSESSMENTS.

RESOLVED, that this Legislature adopts a Policy Establishing Standards for County Participation in Litigation Involving Challenges to Real Property Assessments (Article 7) as written by the members of the Administration and Finance Committee, attached hereto; and be it further

RESOLVED, the Director of Real Property Tax Services will forward a copy of this resolution to all of the Towns, Villages, and School Districts within Orleans County.

POLICY ESTABLISHING MINIMUM STANDARDS FOR COUNTY PARTICIPATION IN LITIGATION INVOLVING CHALLENGES TO REAL PROPERTY ASSESSMENTS (ARTICLE 7)

The County of Orleans may participate in providing financial assistance for litigation challenges to real property assessments provided the following Standards are met and the Process is adhered to:

STANDARDS

- The real property in question has a minimum assessed value of \$3,000,000 and the petitioner is desirous either of a change in assessment of ten (10) percent or a change of at least \$300,000 less than the assessed value.
- The Town, School District and, when applicable, Village in which the property resides have, by Resolution, agreed to share the cost of litigation, proportionate to their respective taxes due on the parcel in question, with the County.
- The County will share costs of Town Counsel or outside Counsel secured by the Town. (not both)
- Prior to the effective date of participation established by the Orleans County Legislature any accrued litigation charges will be the sole responsibility of the Town in which the property resides.
- The County Attorney and Real Property Tax Services Director will be consulted regarding appraisals or settlement strategies.
- The County reserves the right to decline to participate if the Town Assessor has not met the full NYS requirements for training and experience to be a qualified assessor.

PROCESS

- The Town will present a written request with a Town Resolution to the County Attorney and the Real Property Tax Services Director. The request will be accompanied by a Resolution from the relevant School District and, when applicable, the relevant Village.
- The request will be reviewed by the Director of Real Property Tax Services and the County Attorney for recommendation to the Administration and Finance Committee.
- A recommendation will be presented by the Real Property Tax Services Director,

in Resolution transmittal form, to the Finance Committee.

- After the Resolution is approved and an effective participation date established by the County Legislature, the Attorney or the Town can then begin to submit litigation cost charges to the County Attorney seeking an apportioned payment from Orleans County.

Moved, Johnson; second, DeRoller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 315-714

**APPROVING SOFTWARE SUBSCRIPTION SERVICE BETWEEN THE
TREASURER'S OFFICE AND KVS INFORMATION SYSTEMS**

RESOLVED, that this Legislature approves the annual software subscription service between the Treasurer's Office and KVS Information Systems, 821 Maple Rd, Williamsville, NY 14221 covering all programs relating to the Treasurer's Office, Personnel Office, and Budget Officer at a cost of \$9,698; effective August 1, 2015 through July 31, 2016, to be paid from the respective budgets, as applicable.

Moved, Johnson; second, DeRoller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 316-915

**AUTHORIZING TREASURER TO SET UP NEW MONEY IN THE SHERIFFS
BUDGET AND AUTHORIZING PURCHASE OF LIVESCAN SYSTEM FROM
GRANT FUNDS**

RESOLVED, that this Legislature authorizes the Treasurer to set up Homeland Security/SLETPP (LE15) grant funds as follows:

REVENUE:

A4308.5315	Homeland Security/SLETPP (15)	\$26,250
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APPROPRIATION:

A3110.486.5315	Special Grants/LE15-1009-D00	\$26,250
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and be it

FURTHER RESOLVED, that this Legislature authorizes the purchase of Livescan System from Morpho Trust USA, 5705 Old Shakopee Rd, Ste 100, Bloomington, MN 55437-3107 in the amount of \$22,609 – Quote #12488-J6R7K9 (P O 56569) to be paid from Sheriff's Budget account A3110.486.5315 Special Grants/LE15-1009-D00. County Cost \$0.

Moved, DeRoller; second, Johnson.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 317-915

AUTHORIZING TREASURER TO TRANSFER FUNDS WITHIN THE SHERIFF'S BUDGET

RESOLVED, the Treasurer is authorized to transfer funds within the Sheriff's Budget for reimbursement of overtime wages from Operation Stonegarden FY12 and FY13 as follows:

<u>From:</u>		
A3110.486.7412	Special Grant/SG12-1004-D01	\$1,47056
A3110.486.7413	Special Grant/SG13-1004-D00	\$11,148.42
<u>To:</u>		
A3110.101	Overtime	\$12,618.98

Moved, DeRoller; second, Johnson.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 318-915

AUTHORIZING PAYMENTS FROM THE CAPITAL PROJECTS ACCOUNT

RESOLVED, that this Legislature authorizes the following payments to be made from the Capital Project Safety Building Account H3110.250:

<u>Amount</u>	<u>Vendor</u>	<u>Description</u>
\$372.20	Barre Stone Products	Blacktop parking lot

Moved, DeRoller; second, Johnson.
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator DeRoller moved to set up a public hearing for Local Law 2-Intro of 2015 concerning regulating the transfer of secondhand articles; second by Legislator Johnson. Attorney Schubel explained that this Local Law was requested by the District Attorney's Office. This would allow them to request information from second hand dealers concerning their sales. Unlike many counties that require licensure of second hand dealers, this does not. The District Attorney informs us that they will distribute this to applicable dealers which will help with law enforcement issues. Attorney Schubel informed the board that this is a similar law that Steuben County enacted which we will continue to keep track of. The following resolution was adopted:

RESOLUTION NO. 319-915

SETTING DATE OF PUBLIC HEARING ON LOCAL LAW NO. 2-INTRO OF 2015

WHEREAS, there has been duly presented and introduced to this Legislature, a proposed local law entitled “A Local Law Regulating the Transfer of Secondhand Articles”; and

WHEREAS, no local law shall be adopted until a public hearing thereon has been held by the Orleans County Legislature upon at least five days notice; now, therefore be it

RESOLVED, that a public hearing shall be held on the said proposed local law by this Legislature on the 28th day of October 2015 at 4:25 p.m. at the Orleans County Legislature, 3 South Main Street, Suite 2, Albion, New York.

Moved, DeRoller; second, Johnson.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 320-915

AUTHORIZING EXPENDING GRANT FUNDS IN EMERGENCY MANAGEMENT

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend SHSP FY2015 Grant Funds for purchase of Personal Protective Equipment (PPE) for the Director, (3) Deputy Coordinators, and (3) Fire Investigators at a cost not to exceed \$7,791, according to the grant guidelines of DHSES; and be it

FURTHER RESOLVED, that this Legislature approves setting up 2015 Homeland Security Grant Funds as follows:

Revenue		
A4309.2015	State Homeland Security Grant Program FY15	\$7,791
Appropriation		
3640.486.2015	Special Grants – SHSP FY15	\$ 7,791

Moved, Johnson; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Johnson said we lost a hero, Deputy Erin Fuller, this month who served Orleans County for many years and his passing was a terrific loss. A moment of silence was observed to remember Orleans County Sheriff’s Deputy Erin Fuller.

Legislator Johnson moved to set the salary for the CAO; second by Legislator DeRoller. Legislator DeRoller expressed that this is one example of many that the Chief Administrative Officer is stepping up for us. The following resolution was adopted:

RESOLUTION NO. 321-915

AUTHORIZING SETTING SALARY FOR THE CHIEF ADMINISTRATIVE OFFICER

WHEREAS, Section 3 part (b) of the Chief Administrative Officer's Employment Agreement calls for a good faith review of the employee's compensation and adjustment to the employee's base salary based on performance and the assignment of additional duties not in the current scope; and

WHEREAS, the employee's performance has been excellent and he has recently been assigned additional duties related to the E-Waste program; now be it

RESOLVED, that this Legislature places the new base for the Chief Administrative Officer at grade E12 step 8, of the Management Compensation Schedule effective September 1, 2015; and be it

FURTHER RESOLVED, that this Legislature authorizes the Treasurer to make the following budget adjustments within the CAO's budget:

<u>FROM</u>		
1020.460	Training and Educational	\$1,694
<u>TO</u>		
1020.100	Personal Services	\$1,343
1020.810	State Retirement	\$249
1020.820	Medicare	\$19
1020.830	Social Security	\$83

Moved, Johnson; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 322-915

REPEALING RESOLUTION NO. 289-815 CONCERNING THE SALES AND COMPENSATING USE TAX

WHEREAS, the New York State Department of Taxation and Finance has requested that several minor revisions be made to Legislature Resolution No. 289-815 concerning the Sales and Compensating Use Tax as adopted by this Legislature on August 26, 2015, thereby necessitating its repeal and the subsequent readoption of a resolution as revised and clarified, now therefore be it

RESOLVED, that Legislature Resolution no. 289-815 be, and the same hereby is, repealed.

Moved, Johnson; second, DeRoller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 323-915

AMENDING RESOLUTION NO. 164 OF THE YEAR 1967 IN RELATION TO ORLEANS COUNTY SALES AND COMPENSATING USE TAXES, INCREASING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND ON CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

BE IT RESOLVED, BY THE ORLEANS COUNTY LEGISLATURE AS FOLLOWS:

That Resolution No. 164 of the Orleans County Board of Supervisors adopted November 30, 1967, as amended by Resolution No. 17 of said Board, adopted February 6, 1969, Resolution No. 90 and 91 of said Board, both adopted June 4, 1970, and as further amended by the Orleans County Legislature by Resolution No. 547-1290, adopted December 12, 1990, of said Legislature, Resolution No. 264-593, adopted May 1, 1993, Resolution No. 388-795, adopted July 29, 1995, of said Legislature, Resolution No. 396-997, adopted September 24, 1997, Resolution No. 380-1099, adopted October 13, 1999, and Resolution No. 377-901, adopted September 12, 2001, and Resolution No. 387-903, adopted September 10, 2003, and Resolution No. 272-705, adopted July 27, 2005, and Resolution No. 361-807, adopted August 22, 2007 and Resolution No. 297-909, adopted on September 9, 2009, and Resolution No. 254-811, adopted on August 24, 2011, and Resolution No. 291-813, adopted on August 28, 2013 be amended in its several parts as follows:

SECTION 1. The first sentence of section 2 of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after September 1, 1970, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing June 1, 1993 and ending November 30, 2017, there is hereby imposed and shall be paid an *additional* tax of one percent upon:

SECTION 2. Subdivision (g) of section three of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

(g) With respect to the additional tax of one percent imposed for the period commencing June 1, 1993 and ending November 30, 2017, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an

effective date shall be read as referring to June 1, 1993, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to February 1, 1993, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to May 31, 1993. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to June 1, 1993 any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after June 1, 1993, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land, as defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specification of an addition or capital improvement to such real property, property or land.

(f) For purposes of Clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such

as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Paragraph (B) of subdivision one of section eleven of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

(B) With respect to the *additional* tax of one percent imposed for the period beginning June 1, 1993 and ending November 30, 2017, in respect to the use of property used by the purchaser in this County prior to June 1, 1993.

SECTION 5. Subdivision (b) of section fourteen of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

(b) Net collections attributable to the *additional* one percent sales and compensating use taxes imposed for the period beginning June 1, 1993, and ending November 30, 2017, are set aside for County purposes and shall be available for any County purpose.

SECTION 6. This resolution shall take effect on December 1, 2015.

Moved, Johnson; second, DeRoller.

Roll Call: 7 ayes: Allport, Callard, DeFilipps, DeRoller, Eick, Johnson, Miller; 0 nays; 0 absent.

Adopted.

RESOLUTION NO. 324-915

APPROVING CONTRACT AGREEMENT BETWEEN THE ORLEANS COUNTY BOARD OF ELECTIONS AND DOMINION VOTING SYSTEMS CORPORATION

RESOLVED, that this Legislature approves the contract between Orleans County Board of Elections and Dominion Voting Systems Corporation, 215 Spadina Ave, Toronto, Ontario, Canada. The contract, with total cost of \$25,852.50, will provide for Software Maintenance for the Election Maintenance System (EMS), and also Firmware Maintenance and Extended Hardware Warranty for the county board's seven ICP Scanners. The Software Maintenance Term and Extended Hardware Warranty periods are September 1, 2015 through August 31, 2018.

Moved, DeFilipps; second, Allport.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 325-915

AUTHORIZING PAYMENT OF CLAIMS FOR OCTOBER AGAINST THE COUNTY

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for October 14, 2015:

Fund/Department	Check Number (s):	Amount:
General	1291-1505	\$472,812.35
Highway	633-642; 1484-1504	\$273,667.44
Nursing Home		
Job Development	1895-1911	\$11,736.13
Self Insurance	55846-55849; 1097	\$4,982.47

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for October 28, 2015:

Fund/Department	Check Number (s):	Amount:
General		
Highway		
Nursing Home		
Job Development		
Self Insurance		

Moved, DeFilipps; second, Allport.
 Adopted. 7 ayes; 0 nays; 0 absent.

Chairman Callard opened the floor for comments. Ken Schaal, Shelby Councilman, wanted to recognize and commend the Legislature for resolving the e-waste problem that the State created. He also wanted to commend CAO Nesbitt for doing an excellent job in creating a system that works. He also commended Jim Bensley for his efforts and cooperation and Sid Lovell's crew for their hard work. Councilman Schaal explained that a problem arose in the first day, after contact was made with CAO Nesbitt, it was corrected almost instantly. This was becoming a major issue with computers and televisions landing in our ditches. He said with the coordination with Niagara County it has saved our taxpayers a lot of money and he appreciates that.

Councilman Schaal also indicated that they need microphones in the chambers because it is very hard to hear people speak at times.

Councilman Schaal also referenced the assessing issue and thanked them for taking a stand on this. He said this has become a big problem because of the litigation involved in assessing. The Towns have the least to lose so at a financial point the towns would back out. Then these people will continue to sue, knowing that the Towns would fold. Now with the cooperation of our Schools, County and Villages hopefully we can curtail what is happening with litigation concerning assessments.

Chairman Callard thanked Councilman Schaal for his comments. On the E-waste the request originally came from Senator Ortt to NORA and asked us to find a solution to the problem for both counties. Now this is one of the best examples of shared service discussions. Legislators Godfrey and Johnson, along with CAO Nesbitt and this Legislature were all a part of moving this forward.

Chairman Callard also stated that the counties participation in assessment challenges is also a first for our county and it serves everyone well to meet the challenge together. It is also very important for the Villages and Schools to participate on a proportionate share. We all need to work together because the collective assessment evaluations for the county impact us all.

Chairman Callard asked Councilman Schaal how the e-waste collection efforts were going in the Town of Shelby. Mr. Schaal indicated that they had a huge amount collected and stored before the program began and he said CAO Nesbitt resolved this by bringing their e-waste to the county. Legislator DeRoller added that we were backed up 180 pallets of e-waste when this program began to take hold. Now we are 35 pallets into this new program and still going strong. We are using the Welfare Work Crew under the leadership of Sid Lovell for stacking, sorting and packing this e-waste.

Chairman Callard introduced Niagara County Legislator David Godfrey reviewed the many collaborations NORA has done including broadband and e-waste. He is here today to thank Chairman Callard, and many other Legislators, who took the time to meet with Congressman Collins on the 15th of this month at Fort Niagara concerning the Lake Levels. He was also appreciative that Wayne and Monroe Counties also attended this event.

Chairman Callard stated that they fought the lake level plan back in 2012 through their due process and we were successful in not getting them to change the lake levels. IJC went back to repass their thoughts and make the changes now without due process. Our Congressman stated that this could be stopped through the funding process. Chairman Callard learned that President Obama changed the appointees of the committee whom now have changed their thinking and our NYS Governor has refused to make public comment either for or against our lake levels. It affects six counties on the south shore of Lake Ontario and one storm could make it very devastating for the owners along our Lake. Chairman Callard assured everyone that they will continue to fight these battles by

traveling to Albany or Washington to meet with our Legislators that could make a difference.

Chris Crafts, Ridgeway, is a member of the SOS group and again spoke in opposition to the wind project. He is very glad to live in this area but has concerns when he looks around as to what is going on in Barker and Lyndonville, along with in and out of state organizations with these energy projects. He questions how an organization can come in through a seemingly benign and green process could put a facility up and make it look good. Then we are stuck with them when they leave that will damage our wildlife and human populations. This just came up last October, he does not feel safe anymore because anyone can come in with a process like this and he is totally defenseless.

Legislator Godfrey stated that the Niagara County Health Department has been engaged in looking into the health perspective with these wind turbines and Commissioner Dan Stappleton has made preliminary statements that there are some health issues. He also stated that our fight is with Albany and these are unjustified Article X issues.

Cindy Hellert, Yates, said a month ago she stood before this Board asking to stand in solidarity with the Niagara County Legislature in opposing APEX and Lighthouse Wind. She came again to plead for this and not wait for the complacent town board to take action. She continued on in discussions of the lack of a Yates Town Board issuance of a survey. She indicated that at the last Town of Yates board meeting they could not agree on the term "resident". Thus, the survey has been stalled Mrs. Hellert said, which is unacceptable. She expressed that the survey should be sent to every tax payer in the town of Yates. Mrs. Hellert then pointed out that there has been initiatives that the Orleans County Legislature has presented town boards to support, which she shared many examples such as Opposing the SAFE ACT and STAR exemptions, to only list a few she presented. In presenting these examples, she respectively requested to at least take a stand and declare a moratorium on this project moving forward.

Mrs. Hellert continued in saying that while the issues drag on, there are many underhanded events happening in their community by the Apex Project Manager Taylor Quarles that this board should be aware of. He has been seen placing Fear Not the Wind and Harvest the Wind signs on property without authorization in their area and they are only in the public information phase of this project. She also said that APEX has blocked and deleted public comments if they dispute their views. In closing, again she asked the Orleans County Legislature to take a stance against their violation of rights as residents of the Town of Yates and she begged the Board to do so for their protection. She was not asking for this Legislature to go against the Yates Town Board but to protect them as citizens of Orleans County.

Chairman Callard said that this is a very difficult situation, because you are asking us as a county to do what we are fighting the State and what it is doing and that is Home Rule. He said we could be all against the wind turbines and it would not make any difference in the final determination, the state will. Chairman Callard said we will fight to protect all of the residents of this county in fighting for Home Rule. We have done that by resolution

as it related to wind turbines in the past. We will continue, and step up the fight for Home Rule. But, to ask us now to do what we are fighting the State on what's it doing is wrong and we can't do it. It would be hypocritical because we can not tell the town what to do nor do we intend to, stated Chairman Callard. The determination has to be made at the lowest level, and that is with the people in the Town of Yates. He expressed to Mrs. Hellert that she has a very organized and strong group to fight the fight but it is wrong to ask this board to join in that fight to do what we are fighting the State of New York not to do.

Glen Maid, Yates, who addressed a few points regarding the proposed industrial wind turbine project. He stated back on July 25, 2014 the Yates Town Board was advised of the Lighthouse Wind project during a meeting with APEX representatives at the Town Hall. Through the end of the year the board failed to advise anyone about this including the community and from all indications the Legislature. Mr. Maid said that in December the Town hired a prominent wind industry lawyer to advise them. It was not until neighbors began speaking to neighbors that the Yates community found out about this proposed project. Beginning in January of 2015 members of the community have spoken at board meetings, have met with them in person; and communicated by phone and e-mail to voice their opposition of this project. No response has been given to their community by the Yates Town Board. Since July 2014 until now, Mr. Maid indicated that the community has no idea where their leaders stand on this project, either for or against. They have stated that it is up to the state and it is out of our hands, which Mr. Maid said it is not completely true. Mr. Maid stated that he was aware of the reluctance of the Orleans County Legislature to act on this until the Town of Yates Board does. Mr. Maid said that from the history that he just described, this project, in theory, could be built and operational before the town does anything. Mr. Maid made his second and final point in that under the present circumstances, without intervention, this large developer from Virginia by way of private contracts with incorporation and private citizens will in essence dictate to this county and to the Town of Yates where its industrial development and industrial zones will be and this should never happen. The Town of Yates has had fourteen months to act and they have not. In the absence of any direction from the Town of Yates Mr. Maid requested the Legislature act in opposition of the Lighthouse Wind Project. Mr. Maid stated he is not requesting that the Legislature tell the Town of Yates what to do but as their own entity to take a stance and tell Albany that they are opposing this project because it is not good for our residents.

Ken Schaal, Shelby, stated that he sympathizes with these people in the wake of this energy issue. To provide some history, Councilman Schaal stated that about seven years ago the Towns of Shelby, Ridgeway, and Yates were approached by a different wind energy company. At this point, none of the three towns had any zoning regulations for or against, or how to regulate wind energy companies. The three towns collaborated and spent thousands of dollars in legal fees creating zoning laws to help control how these things were placed and allow the ability to prevent it if the populace so pleased. Councilman Schaal stated, to say that the town has not done anything is not totally correct. They have spent a lot of time and effort and then along came Article X. Councilman Schaal advised that the Orleans County Legislature passed a resolution

against Article X and all ten towns, if he recollects correctly, also passed the same resolution against Article X and the loss of Home Rule. The Town Board has created zoning laws that would allow the town to control how these are sited and what would happen but Article X took this ability away. As Chairman Callard has said, Councilman Schaal restated that the fight should be with Albany. He said there are a lot of negative issues with the Orleans County Legislature and local town boards but we all try to protect the majority of the people and the state and its wisdom has taken that ability away from local officials. The Orleans County Legislature should concentrate its efforts in collaboration with the Town Board against the State and ask our local elected state officials, Hawley, Ortt and Corwin, to sit and listen to these issues.

Paul Lauricella, Yates, stated he agrees with everything that has been said today but is concerned that we will be subsidizing this project forever. He also agrees with Mr. Schaal but in attending some of the board meetings eyes were rolling when people tried to talk to them. This is a dyer issue and there has been some disrespect seen. He is concerned with the tax issue and also the potential health issue. He does not support this project.

Sandy Lauricella, Yates, stated as far as she knows there is not a program in place in Orleans County for spaying or neutering animals. CAO Nesbitt indicated that every animal that comes into the county shelter is spayed or neutered. She stated she is concerned about feral cats. She indicated that Niagara County has a program in place to offer this for a lower cost to people. Chairman Callard stated there are some not for profits that help in facilitating this and he has asked for this to be discussed and program to be developed. Chairman Callard stated that Legislator DeRoller is the Chairman of Public Safety and for him to take the lead on this. Legislator DeRoller added that there has been discussions with the Animal Control Officer who has attended educational opportunities in Genesee County on how to manage feral cats.

Legislator Eick moved to enter into executive session at 10:10 a.m. per Open Meetings Law §105 (d) to discuss pending litigation and (h) proposed sale or lease of real property second by Legislator Allport. Motion Carried.

Legislator Allport moved to exit out of executive session and reconvene the regular meeting at 10:49 a.m.; second by Legislator DeFilipps. Motion Carried.

Legislator Eick moved to add one additional resolution to the agenda; second by Legislator Allport. Motion carried. The following add on resolutions were presented for adoption:

RESOLUTION NO. 326-915

AUTHORIZING LEGISLATURE CHAIRMAN TO ACT AS SIGNATORY ON BEHALF OF LEGISLATURE WITH RESPECT TO LEGISLATURE RESOLUTION NO. 55-186 AS AMENDED BY RESOLUTION NO. 224-500

WHEREAS, this Legislature adopted a Defense and Indemnification Policy by Legislature Resolution No. 55-186 as amended by Legislature Resolution No. 224-500; and

WHEREAS, this Legislature wishes to authorize and designate the Legislature Chairman as a signatory for purposes of execution of the said Policy; now therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized and designated as a signatory on behalf of the Legislature to act in furtherance of the Defense and Indemnification Policy, and the Legislature Chairman be, and hereby is, authorized to execute pleadings, agreements, releases, and stipulations in connection therewith subject to the approval of the County Attorney and the Chief Administrative Officer. In the event of the absence or inability of the Chairman to act, the Vice-Chairman may act in the stead of the Chairman.

Moved, Johnson; second, DeRoller.
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Johnson moved to approve purchase and sale contract for the sale of 46 State Street in the Village of Holley; seconded by Legislator DeRoller. Attorney Schubel advised that this was an in rem property from several years ago. It is a challenged property and the Village of Holley would like to see this be moved forward stated Attorney Schubel. Legislator DeRoller stated that this goes back to 2003. The following resolution was adopted:

RESOLUTION NO. 327-915

APPROVING PURCHASE AND SALE CONTRACT FOR THE SALE OF 46 STATE STREET (88.5-2-45), VILLAGE OF HOLLEY

WHEREAS, the parcel commonly referred to as 46 State Street (88.5-2-45), Village of Holley, was subject to an In Rem Tax Foreclosure proceeding pursuant to Article 11 of the Real Property Tax Law; and

WHEREAS, the parcel is zoned as a commercial property; and

WHEREAS, the County of Orleans is authorized to sell commercial property via private treaty; and

WHEREAS, the County Legislature wishes to find a suitable and productive reuse of the property; now, therefore, be it

RESOLVED, that this Legislature approves a Real Estate Purchase and Sale Agreement with One Mechanic Street, LLC, with a sale price of \$5,000.00, subject to the approval of the County Attorney.

Moved, Johnson; second, DeRoller.
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Johnson moved to adjourn; second by Legislator Allport. Meeting adjourned at 10:54 a.m.